



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 3980-00
1 December 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 26 April 1979 at the age of 26. Your record reflects that you served for a year and three months without disciplinary infractions but on 13 July 1981 you received nonjudicial punishment (NJP) for trafficking in a dangerous drug, lysergic acid diethylamide (LSD), aboard your ship. The punishment imposed was reduction to paygrade E-3.

On 22 July 1982 you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After consulting with legal counsel you waived your rights to present your case to an administrative discharge board and to submit a statement in rebuttal to the separation. Subsequently, the discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 6 August 1982 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and good post service conduct and letters of character reference. However, the Board concluded

these factors were not sufficient to warrant recharacterization of your discharge given the very serious nature of your drug related misconduct. Therefore, the Board determined that you were extremely fortunate to have received NJP and an administrative separation, rather than a court-martial that could have adjudged a punitive discharge and many months of confinement at hard labor. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director